

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

B.C., a child with a disability, individually and
by his parent and next friend, L.C.,

Plaintiff,

-v-

No. 7:08-CV-362-DNH-GJD

COLTON-PIERREPONT CENTRAL
SCHOOL DISTRICT

Defendant.

DAVID N. HURD
United States District Judge

ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on
November 21, 2008, in Utica, New York, it is hereby

ORDERED that

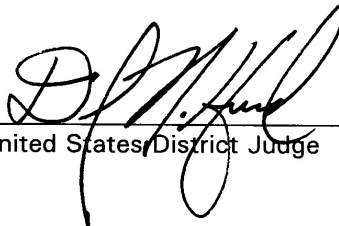
- (1) defendants' motion for summary judgment is DENIED;
- (2) plaintiff's cross-motion for summary judgment is DENIED;
- (3) the State Review Officer's decision is VACATED;
- (4) the matter is REMANDED to the Impartial Hearing Officer for a new hearing in accordance with

this decision;

- (5) and the complaint is DISMISSED in its entirety without prejudice.

The Clerk of the Court is directed to enter judgment accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: November 21, 2008
Utica, New York.